

A Resolution

ENROLLED SENATE JOINT
RESOLUTION NO. 4

BY: REAPPORTIONMENT
COMMITTEE

A JOINT RESOLUTION DIRECTING THE SECRETARY OF STATE TO REFER TO THE PEOPLE AN AMENDMENT TO ARTICLE V OF THE OKLAHOMA CONSTITUTION RELATING TO APPORTIONMENT OF THE STATE LEGISLATURE; PROVIDING FORMULAE FOR DETERMINATION OF MEMBERSHIP OF LEGISLATURE; ESTABLISHING FOUR-YEAR TERMS FOR SENATORS AND TWO-YEAR TERMS FOR REPRESENTATIVES; DIRECTING LEGISLATURE TO APPORTION THE LEGISLATURE; CREATING AN APPORTIONMENT COMMISSION; DESIGNATING MEMBERS THEREOF; DIRECTING COMMISSION TO APPORTION LEGISLATURE WHEN LEGISLATURE FAILS TO ACT; PROVIDING FOR REVIEW OF LEGISLATIVE OR COMMISSION APPORTIONMENT BY THE OKLAHOMA SUPREME COURT; AUTHORIZING SUPREME COURT TO REQUIRE COMMISSION TO REAPPORTION UNDER THE PROVISIONS OF THE OKLAHOMA CONSTITUTION; REQUIRING COURT TO ISSUE DECISION WITHIN CERTAIN TIME; REPEALING CONFLICTING SECTIONS OF OKLAHOMA CONSTITUTION; PROVIDING FOR BALLOT TITLE; AND ORDERING A SPECIAL ELECTION.

WHEREAS, the history of the United States under a republican form of government, as established by the Constitution, recognizes the value of representative government based on governmental units with like political, social, and economic interests; and

WHEREAS, to properly balance conflicting views and opposite purposes, it is desirable that the legislature of a democratic government provide for adequate and fair representation of those groups which have similar political, social, and economic interests; and

WHEREAS, the establishment of county units of government by the Constitution of Oklahoma was based upon a consideration of the political, social, and economic similarity of interests of the people included within such governmental units; and

WHEREAS, the growth and progress of Oklahoma has encouraged and identified such units of government as representative of groups of people with like and similar political, social, and economic interests; and

WHEREAS, the fair and equitable representation to be provided in the Oklahoma Legislature should include not only population but other major factors such as the federal analogy, history, economics, custom, territory, and similar and related factors, in order that invidious

Correctly Enrolled: Roy Seasholtz, Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

discrimination will not divest segments of the population of their representation.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE TWENTY-NINTH LEGISLATURE OF THE STATE OF OKLAHOMA:

SECTION 1. The Secretary of State shall refer to the people, for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Article V of the Oklahoma Constitution:

Section 1. Article V of the Constitution of Oklahoma is hereby amended by adding thereto the following new sections:

Section 9A. The state shall be apportioned into forty-eight senatorial districts in the following manner: the nineteen most populous counties, as determined by the most recent Federal Decennial Census, shall constitute nineteen senatorial districts with one senator to be nominated and elected from each district; the fifty-eight less populous counties shall be joined into twenty-nine two-county districts with one senator to be nominated and elected from each of the two-county districts. In apportioning the State Senate, consideration shall be given to population, compactness, area, political units, historical precedents, economic and political interests, contiguous territory, and other major factors, to the extent feasible.

Each senatorial district, whether single county or multi-county, shall be entitled to one senator, who shall hold office for four years; provided that any senator, serving at the time of the adoption of this amendment, shall serve the full time for which he was elected. Vitalization of senatorial districts shall provide for one-half of the senators to be elected at each general election.

Section 10A. The House of Representatives shall consist of the number of Representatives as determined by the formula and procedure set forth herein. The number of members of the House

Correctly Enrolled: Roy Schell, ✓ Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

of Representatives to which each county shall be entitled shall be determined according to the following formula:

a. The total population of the state as ascertained by the most recent Federal Decennial Census shall be divided by the number one hundred and the quotient shall be the ratio of representation in the House of Representatives, except as otherwise provided in this Article.

b. Every county having a population less than one full ratio shall be assigned one Representative; every county containing an entire ratio but less than two ratios shall be assigned two Representatives; every county containing a population of two entire ratios but less than three ratios shall be assigned three Representatives; and every county containing a population of three entire ratios but less than four ratios shall be assigned four Representatives.

After the first four Representatives, a county shall qualify for additional representation on the basis of two whole ratios of population for each additional Representative.

Each Representative nominated and elected shall hold office for two years.

Section 11A. The first apportionment of the legislature shall be accomplished by the legislature under the formulae contained in Sections 9A and 10A, within sixty days after the first regular session of the legislature following the adoption of this amendment, and thereafter the apportionment shall be within sixty days after the convening of the first regular session of the legislature following each Federal Decennial Census. If the legislature shall fail or refuse to make such apportionment within sixty days after the convening of the legislature after the adoption of this amendment, or if it should thereafter fail within the time provided herein to make such reapportionment, then such apportionment or reapportionment, as the case may be, shall be accomplished by an

Correctly Enrolled. *Ray B. Smith*, Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Apportionment Commission composed of the Attorney General, Secretary of State, and the State Treasurer of the State of Oklahoma according to the provisions of Sections 9A and 10A of this Article.

Section 11B. Each order of apportionment rendered by the Apportionment Commission shall be in writing and shall be filed with the Secretary of State and shall be signed by at least two members of the Commission.

Section 11C. Any qualified elector may seek a review of any apportionment order of the Commission, or apportionment law of the legislature, within sixty days from the filing thereof, by filing in the Supreme Court of Oklahoma a petition which must set forth a proposed apportionment more nearly in accordance with this Article. Any apportionment of either the Senate or the House of Representatives, as ordered by the Commission, or apportionment law of the legislature, from which review is not sought within such time, shall become final. The court shall give all cases involving apportionment precedence over all other cases and proceedings; and if said court be not in session, it shall convene promptly for the disposal of the same.

Section 11D. Upon review, the Supreme Court shall determine whether or not the apportionment order of the Commission or act of the legislature is in compliance with the formula as set forth in this Article and, if so, it shall require the same to be filed or refiled as the case may be with the Secretary of State forthwith, and such apportionment shall become final on the date of said writ. In the event the Supreme Court shall determine that the apportionment order of said Commission or legislative act is not in compliance with the formula for either the Senate or the House of Representatives as set forth in this Article, it will remand the matter to the Commission with directions to modify its order to achieve conformity with the provisions of this Article.

Section 11E. The Supreme Court, upon petition of

Correctly Enrolled: Roy Selach, ✓ Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

any qualified elector alleging failure of the Commission to timely act, is hereby vested with original jurisdiction to compel, and shall compel, the Commission to make the apportionment as herein provided. It shall also have exclusive jurisdiction of any review hereunder. If more than one petition be filed, the court shall consolidate such proceedings for hearing and disposition, and shall file its opinion and issue its writ within sixty days from the timely filing of such last petition. In the event any action filed hereunder shall be abandoned or dismissed, any other qualified elector shall be allowed to intervene within ten days thereof.

Section 2. §§ 9, 9(a), 9(b), 10, 11, 12, 13, 14, 15, and 16 of Article V of the Oklahoma Constitution are hereby repealed.

SECTION 2. The ballot title for the proposed constitutional amendment as set forth in SECTION 1 of this resolution shall be in the following form:

BALLOT TITLE

Legislative Referendum No. _____ State Question No. _____

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a Constitutional Amendment amending Article V of the Oklahoma Constitution relating to apportionment of the state legislature; providing for not less than forty-eight senators; establishing four-year terms for Senators and two-year terms for Representatives; providing apportionment to be by prescribed formulae; designating legislature to make apportionment within certain time; creating an Apportionment Commission; designating members thereof; directing Commission to apportion legislature when legislature fails to act; providing for review of legislative or Commission apportionment by the Supreme Court; authorizing Court to require

Correctly Enrolled: Roy Seabell, ✓ Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

Commission to reapportion under the provisions of the
Constitution; requiring Court to issue decision
within certain time; repealing conflicting sections
of the Constitution

be approved by the people?

☐ YES

SHALL THE PROPOSED AMENDMENT BE APPROVED?

☐ NO

SECTION 3. The President Pro Tempore of the Senate shall,
immediately after the adoption of this resolution, prepare and file
one copy thereof, including the above ballot title, with the Secre-
tary of State and one copy with the Attorney General of the State of
Oklahoma.

SECTION 4. A special election is hereby ordered to be held
throughout the State of Oklahoma on the date of the next runoff
primary election at which time the proposed amendment to the Consti-
tution of the State of Oklahoma, set forth in SECTION 1 of this
resolution, shall be submitted to the people of Oklahoma for their
approval or rejection as and in the manner provided by law.

Passed the Senate the 13th day of June, 1963.

Acting Arthur McComa
President of the Senate

Passed the House of Representatives the 14th day of June, 1963.

Acting William H. Smith
Speaker of the House of Representatives

Correctly Enrolled: Roy Seabolt, ✓ Chairman, COMMITTEE ON ENGROSSED AND ENROLLED BILLS

OFFICE OF THE GOVERNOR

Received by the Governor this 14
day of June, 1963,
at 2:59 o'clock P M.

By: Marian Cox

Approved by the Governor of the State of Oklahoma the _____
day of _____, 1963.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this
14 day of June, 1963,
at 2:59 o'clock P M.

By: James M. Bullard
T. Jones



STATE OF OKLAHOMA
OFFICE OF THE ATTORNEY GENERAL
OKLAHOMA CITY

CHARLES NESBITT
ATTORNEY GENERAL

July 3, 1963

Honorable James M. Bullard
Secretary of State
B U I L D I N G

Dear Mr. Bullard:

You are hereby notified that pursuant to the discretion and duty lodged in and imposed upon the Attorney General by 34 O.S. 1961, § 9, he has examined the proposed ballot title to Enrolled Senate Joint Resolution No. 4 of the Regular Session of the Twenty-ninth Legislature of the State of Oklahoma, which, together with a copy of said resolution, was delivered to him on July 2, 1963, by the Honorable Frank Reneau, Secretary of the State Senate, and from said examination finds that said ballot title is not in legal form nor in harmony with the law. Therefore, the Attorney General submits the following ballot title, which, in his opinion, is in legal form and in harmony with the law.

BALLOT TITLE

Legislative Referendum No. 142 State Question No. 416

THE GIST OF THE PROPOSITION IS AS FOLLOWS:

Shall a constitutional amendment

repealing Sections 9 through 16; adopting Sections 9A, 10A, 11A, 11B, 11C and 11D, Article V, Oklahoma Constitution; apportioning Oklahoma into 19 one-county, and 29 two-county Senatorial Districts electing one Senator each; apportioning counties one State Representative for each one-percent or fraction thereof, of State's

Honorable James M. Bullard - (2)
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population therein up to four Representatives, then one for each two-percent; upon failure of Legislature, Reapportionment Commission shall apportion Legislature, with review by Oklahoma Supreme Court; and establishing two and four year terms of office for Representatives and Senators, respectively,

be approved by the people?

☒ YES

SHALL THE PROPOSED AMENDMENT BE APPROVED?

☒ NO

Inasmuch as 34 O.S. 1961, § 9, supra, expressly provides that

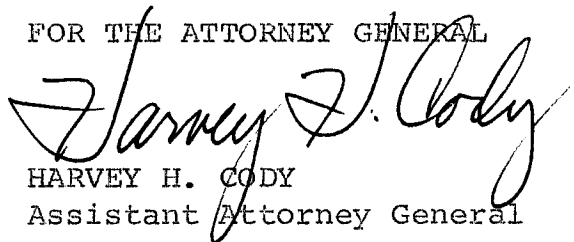
"no appeal shall be allowed as to ballot titles of constitutional or legislative enactments proposed by the Legislature which ballot titles have been approved or revised by the Attorney General.",

it is your duty, under the provisions of said section, to immediately

"transmit to the Secretary of the State Election Board an attested copy of the pending proposition, including such approved title."

Yours very truly,

FOR THE ATTORNEY GENERAL



HARVEY H. CODY
Assistant Attorney General

HHC:gld